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10/675,057

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Jeyhan Karaoguz

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EXAMINER

MENDOZA JR, JORGE

ART UNIT

PAPER NUMBER

2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,057

Applicant(s)

KARAOGUZ ET AL.

Examiner

JORGE MENDOZA JR

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-40 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 March 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims **1-40** are presented for Examination.
2. Claims **1, 3-11, 13-21, 29 & 31** have been amended.
3. Claims **32-40** have been added.

Drawings

4. The drawings were received on 03/04/2008. These drawings are accepted.

Response to Arguments

5. Applicant's arguments with respect to Claims **1-40** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims **34, 37, & 40** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to Claims **34, 37, & 40**, the claimed "*pushing at least a portion of said populated channel to said second location in exchange for at least a portion of a second populated channel guide associated with a second media channel created at said second location*", does not appear to be supported by the specification as originally filled. In particular, the specification is unclear with respect to the claimed reciprocal relationship between the pushed media in exchange for having recieved a created media channel.

The claim is subsequently being interpreted as indicating that a second location has the same functionality as a first location, whereby a populated channel guide may be pushed from a second location to a first location in the same manner in which a populated channel guide may be pushed from a first location to a second location. For the purpose of expediting the processing of the application, Claims **34, 37, & 40** have been rejected in view of the prior art (see below) based on a broader interpretation that meets the claimed subject matter as interpreted by the Examiner (as explained above).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims **1-33, 35, 36, 38, and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wood et al. (US Patent Application No. 2002/0054752 A1)** in view of **Novak (US Pat No. 7,103,905)**.

With respect to Claim **1**, the claimed *"creating a channel guide for a new channel that supports communication of media, said new channel comprising a media channel"* is met by Wood et al. that teach the recording of select media programs and the creation of channel listings, of these 'personal channels', on a channel guide for the organization of the recorded programs (*Abstract; Fig.10; paragraphs [0010], [0039], [0059], & [0061]*).

The claimed *"populating, at a first location, said channel guide for said new media channel with information identifying mixed media content, wherein said populated channel guide may be pushed to a second location"* is met in part by Wood et al. that teach the creation of channel listings of recorded programs by a user at a 1st location and the use of the channel guide information corresponding to these programs (*paragraphs [0059] & [0064]*). The Wood et al. reference does not explicitly teach the use of media from another source other than that of broadcast media or the ability to push said populated channel guide to a 2nd location. However, in the same field of endeavor, Novak teaches the creation of channels containing personal media content from a provider (upload source **122**) that will be provided to an end subscriber (set top box **152** & television **154**) in a similar way as that of broadcast media, with the addition of a synthetic channel listing, containing schedule & program information, in the program guide of the end subscriber(*Abstract; col.2, lines 9-14; col. 3, lines 40-45; col. 6,a lines 51-55;*

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col. 7, lines 16-21; col.10, lines 56-67; col.11, lines 60-64; col. 12, lines 10-26, lines 39-58; & Figs.1,2,8,& 9).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the creation of channel listings for the organization of recorded broadcast media, as taught by the Wood et al. reference, with a system allowing a user to receive personal media in the same manner as broadcast media in order to provide a user a more complete and enjoyable television viewing experience. A person of ordinary skill in the art would have been motivated to make such a modification to the Wood et al. reference in order to permit the creation of a media channel containing not only regular broadcast media, but also of personal media.

With respect to the claimed *"and one or both of: displaying said information identifying said mixed media content within said channel guide; and/or communicating said mixed media content via said new media channel"* is met by Wood et al. that teach the displaying of the personal channel content by way of an EPG (Fig.10; paragraphs [0061], & [0064]).

With respect to Claim 2, the claimed *"wherein said mixed media content comprises at least one personal media content and at least one broadcast media content"* is met as previously discussed with respect to Claim 1 above.

With respect to Claim 3, the claimed *"comprising receiving said at least one broadcast media content from at least one third (3rd) party broadcaster"* is met by Wood et al. that teach the recording of broadcast media content from at least one third (3rd) party broadcaster (Figs.7-10, paragraph 0032).

With respect to Claim **4**, the claimed *"comprising storing said received at least one broadcast media content"* is met by Wood et al. that teach the use of video storage **105** in storing media programs (*paragraphs [0028] & [0029]*).

With respect to Claim **5**, the claimed *"comprising linking said stored at least one broadcast media content to a portion of said information identifying said mixed media content which corresponds to said at least one broadcast media content"* is met by Wood et al. that teach the use of an EPG in listing information related to recorded media programs scheduled for viewing (*Fig.10; paragraphs [0061] & [0064]*).

With respect to Claim **6**, the claimed *"comprising storing at least a portion of said at least one personal media content"* is met by Wood et al. that teach the use of video storage **105** in storing media programs (*paragraphs [0028] & [0029]*).

With respect to Claim **7**, the claimed *"comprising identifying said at least said one personal media content"* is met by Wood et al. that teach the recording of metadata associated with the recorded media program, from the channel guide, so that the user may easily identify the recorded show (*paragraph [0040]*).

With respect to Claim **8**, the claimed *"comprising associating said identified at least one personal media content with a portion of said information identifying said mixed media content which corresponds to said at least one personal media content"* is met by Wood et al. that teach the use of an EPG in listing information related to recorded media programs scheduled for viewing (*Fig.10, paragraph [0061] & [0064]*).

With respect to Claim **9**, the claimed *"scheduling within said created channel guide, at least one of said at least one personal media content and said at least one*

broadcast media content for presentation" is met by Wood et al. that teach the scheduling of the recorded media programs for viewing on a 'personal channel' (Fig. 10; paragraphs [0059], [0061], [0067]).

With respect to Claim 10, the claimed "*comprising assigning one or both of a date and/or a time within said created channel guide for said presentation of said at least one personal media content and said at least one broadcast media content*" is met by Wood et al. that teach the use of an EPG in listing 'personal channels' with recorded media programs, where the EPG is capable of assigning a date and a time to the channel listings (Fig. 10; paragraph [0061]).

Claim 11 is met as previously discussed with respect to Claim 1, due to its interpretation as being a machine-readable storage of the method of Claim 1.

Claim 12 is met as previously discussed with respect to Claim 2.

Claim 13 is met as previously discussed with respect to Claim 3.

Claim 14 is met as previously discussed with respect to Claim 4.

Claim 15 is met as previously discussed with respect to Claim 5.

Claim 16 is met as previously discussed with respect to Claim 6.

Claim 17 is met as previously discussed with respect to Claim 7.

Claim 18 is met as previously discussed with respect to Claim 8.

Claim 19 is met as previously discussed with respect to Claim 9.

Claim 20 is met as previously discussed with respect to Claim 10.

Claim **21** is met as previously discussed with respect to Claim **1**, due to its interpretation as being a system of the method of Claim **1**. In addition, Wood et al. teaches the use of processor **101** in a video data recorder, which enables the recording of media programs and the creation of 'personal channels' (*Fig.1; paragraphs [0010] & [0024]*).

Claim **22** is met as previously discussed with respect to Claim **2**.

Claim **23** is met as previously discussed with respect to Claim **3**.

Claim **24** is met as previously discussed with respect to Claim **4**.

Claim **25** is met as previously discussed with respect to Claim **5**.

Claim **26** is met as previously discussed with respect to Claim **6**.

Claim **27** is met as previously discussed with respect to Claim **7**.

Claim **28** is met as previously discussed with respect to Claim **8**.

Claim **29** is met as previously discussed with respect to Claim **9**.

Claim **30** is met as previously discussed with respect to Claim **10**.

With respect to Claim **31**, the claimed *"wherein said at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, media exchange software platform processor and/or a media peripheral processor"* is met by Wood et al. that teach the use of processor **101** in a personal video recorder (*Fig.1; paragraphs [0010] & [0024]*).

With respect to Claim **32**, the claimed *"wherein populating is based on one or both of a user profile and/or a request for at least a portion of said mixed media content"* is

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met by Wood et al. that teach the populating of channel listings of recorded programs based upon a criteria database 104 that stores user specified criteria for the selection of shows for recording and for the personal channel they are to be stored in (*paragraphs [0042] & [0059]*).

With respect to Claim 33, the claimed "*comprising pushing at least a portion of said populated channel to said second location*" is met by Novak that teaches the transmittal of the creation of channels containing personal media content from a provider (upload source 122) that will be provided to an end subscriber (set top box 152 & television 154) in a similar way as that of broadcast media, with the addition of a synthetic channel listing, containing schedule & program information, in the program guide of the end subscriber by an automatic process or by the use of a token(*Abstract; col.2, lines 9-14; col. 3, lines 40-45; col. 6,a lines 51-55; col. 7, lines 16-21; col.9, lines 44-51; col.10, lines 56-67; col.11, lines 60-64; col. 12, lines 10-26, lines 39-58; & Figs.1,2,8,& 9*).

Claim 35 is met as previously discussed with respect to Claim 32.

Claim 36 is met as previously discussed with respect to Claim 33.

Claim 38 is met as previously discussed with respect to Claim 32.

Claim 39 is met as previously discussed with respect to Claim 33.

10. Claims 34, 37, & 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wood et al. (US Patent Application No. 2002/0054752 A1)** in view of **Novak (US Pat No. 7,103,905)** as applied to claims 1, 11, & 21 above, and further in view of **Ellis et al. (US Patent No. 6,774,926 B1)**.

With respect to Claims **34**, **37**, & **40**, the claimed "*comprising pushing at least a portion of said populated channel to said second location in exchange for at least a portion of a second populated channel guide associated with a second media channel created at said second location*" is not specifically met by the Wood et al. reference in view of the Novak reference. However, in the same field of endeavor, Ellis et al. teach a system in which individual contributors may create personal television channel programming, whereby more than one contributor, at separate locations, have the ability to upload personal programming and to push/receive personal television channel programming to/from other locations (*Abstract; Figs. 1-3, 7, & 8; col.1, lines 25-35; col.2, line 65 to col.3, lines 3, 19-29; col.5, lines 23-48; col. 7, lines 27-30; col.9, lines 61-67*).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the creation of channel listings for the organization of recorded broadcast media & personal media, as taught by the Wood et al. reference in view of the Novak reference, with that of the Ellis et al. reference in order to allow a user to both push/receive the created channel listing & thereby add more functionality to the system. A person of ordinary skill in the art would have been motivated to make such a modification to the Wood et al. reference, in view of the Novak reference, in order to allow a greater level of distribution of mixed media channel listings among users.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Thursday 9:00 am –7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Scott Beliveau** can be reached at (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/JORGE MENDOZA JR/
Examiner, Art Unit 2623**

**/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623**